

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRE CARPIAUX,)	
)	
Plaintiff,)	No. C08-4347 BZ
)	
v.)	ORDER GRANTING PLAINTIFF'S
)	REQUEST FOR A CONTINUANCE &
CITY OF EMERYVILLE)	SETTING FURTHER BRIEFING
REDEVELOPMENT AGENCY,)	SCHEDULE
)	
Defendant.)	
)	
)	

On February 23, 2009, defendant City of Emeryville Redevelopment Agency ("defendant") filed a motion to dismiss plaintiff Andre Carpiaux's ("plaintiff") complaint. After a series of continuances (see, e.g., Doc. No. 27), plaintiff filed an opposition to defendant's motion to dismiss on July 7, 2009, and defendant thereafter filed a reply to plaintiff's opposition on July 13. Plaintiff subsequently filed a request for a continuance on July 17, stating that his attorney will be away and unable to assist him until mid-August.

Plaintiff's opposition is more akin to an amended complaint than an opposition, but in either capacity, it is

1 not clear that the document filed by plaintiff addresses the
2 shortcomings that appear in plaintiff's original complaint.

3 Treating plaintiff's opposition as the filing of an
4 amended complaint pursuant to Rule 15(a)(1), **IT IS HEREBY**
5 **ORDERED** as follows:

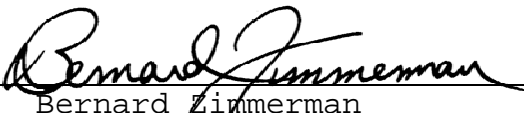
6 1) Consistent with the following schedule, plaintiff's
7 request for a continuance is granted.

8 2) If defendant wishes to file additional papers in
9 support of its motion to dismiss to address the amended
10 complaint, it shall do so by **August 17, 2009**.

11 3) If defendant files additional papers, plaintiff's
12 opposition shall be due by **September 8, 2009**. After reviewing
13 the papers, the Court will decide whether a hearing is
14 necessary.

15 4) Attached is information about the Volunteer Legal
16 Services Program's Legal Help Center for *pro se* litigants. If
17 plaintiff decides to continue to represent himself, the Court
18 suggests he make an appointment with the Center.

19 Dated: July 27, 2009

20 
21 Bernard Zimmerman
22 United States Magistrate Judge

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